

COUNTY COUNSEL

Ronald Reitz

MISSION STATEMENT

To serve and protect the county, its treasury, and its governing body, by providing timely and accurate legal services and aggressively representing the county in litigation. Legal services shall be performed maintaining the highest professional and ethical standards while fostering high morale and productivity in the work place through collaborative efforts dedicated to continuous improvement.

STRATEGIC GOALS

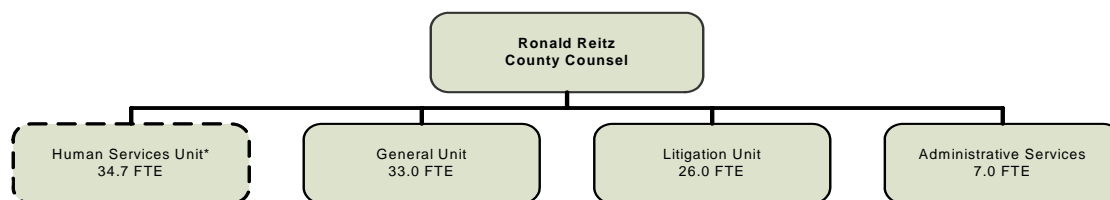
1. Provide accurate, timely and reliable document and contract review and legal advice for the Board of Supervisors, CAO, county departments and other clients in order to help these clients achieve their objectives.
2. Provide exemplary litigation services, by defending actions and decisions, and advocating positions of our clients to assist those clients in achieving their objectives.

As the Office of County Counsel is the legal arm of the county, the above goals highlight certain service areas that are County Counsel's statutory and professional responsibility. Our Office's goals and objectives are to improve the performance of these areas for the benefit of the county and its elected officials and managers.

The first goal represents working with county and other governmental clients to expedite accurate processing of our general advisory function when the County Counsel's Office is called upon to assist its clients in the performance of their obligations. Continuing to increase the efficiency of the County Counsel's Office will amount to a cost saving for the county as a whole in the administration of day-to-day business.

The second goal represents working with county and other clients to ensure the Office renders superior litigation services and tracks the effectiveness of the office by quantifying the results of litigation seeking damages and those cases where the county prevails and receives monetary awards.

ORGANIZATIONAL CHART



* These positions are budgeted in the HS Budget Unit.

County Counsel is normally considered a general fund department even though over 50% of its budget is revenue based. The General Unit is supported by a combination of general fund allocation as well as various departments' providing supplemental funding, such as Sheriff, and some hourly billable clients, such as SANBAG and Omnitrans. The Litigation Unit is almost entirely supported by revenue from Risk Management on an hourly basis, however, from time to time, attorneys in this Unit are required to perform litigation legal services for traditional general fund clients. The Human Services Unit is supported by direct funding from Human Services as well as overflow legal services from the General Unit on an hourly billable client basis. Additional information is available in the following section of this budget.



County Counsel

DESCRIPTION OF MAJOR SERVICES

County Counsel provides civil legal services to the Board of Supervisors, County Administrative Office, county departments, commissions, special districts, and school districts. County Counsel also provides legal services to various joint powers authorities and represents the courts and judges on certain matters. In performing its duties, the County Counsel's Office is divided into three operational units: the Litigation Unit, the Human Services Unit, and the General Unit.

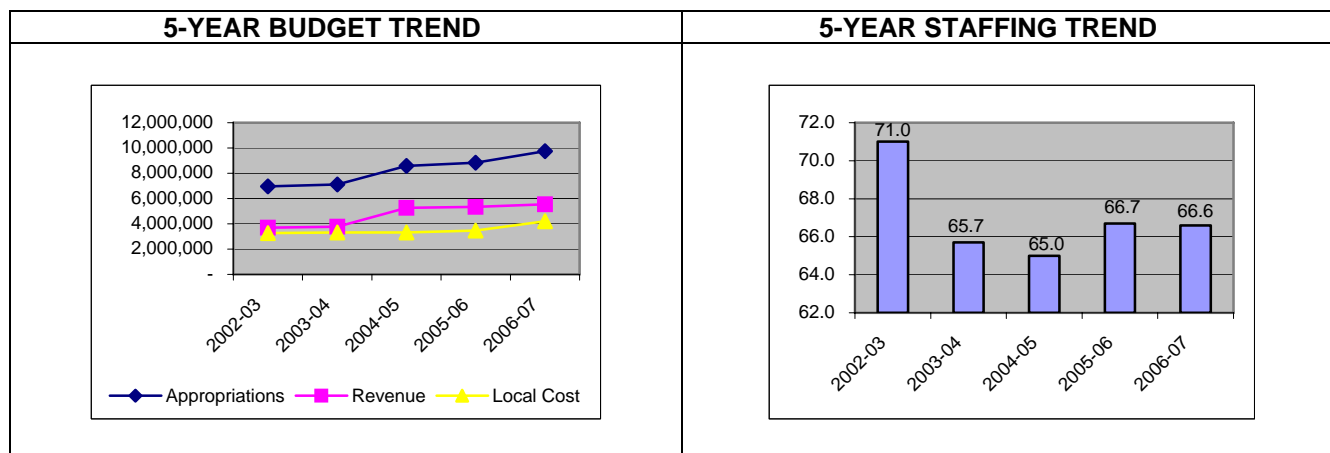
The Litigation Unit handles tort and civil rights litigation, workers' compensation and code enforcement. This Unit is revenue supported. All Litigation Unit clients are billed by the hour for services; the largest client of this Unit is Risk Management.

The Human Services Unit is revenue supported through the Human Services (HS) budget and serves the HS departments. A large portion of this Unit is dedicated to the litigation of juvenile dependency trial and appellate matters for the Department of Children's Services. All of the juvenile dependency litigation is work mandated by law. The remainder of the staff in this Unit serves as general legal counsel, including some litigation, for other HS related departments and entities, such as the Departments of Aging and Adult Services, Transitional Assistance, Preschool Services, Workforce Development Department, Child Support Services, and the IHSS Public Authority and Children and Families Commission.

The General Unit provides legal services to county departments supported by the general fund even though a substantial portion of the General Unit is revenue supported. The revenue supported General Unit attorneys are dedicated primarily to providing legal services to county departments (such as Sheriff and Human Resources) and outside governmental entities (such as SANBAG, OMNITRANS, and Special Districts) which pay for all or a significant portion of their legal services. The remaining General Unit attorneys and clerical staff are supported by the general fund. Therefore, in addition to the County Counsel, Assistant County Counsel and related clerical staff who are also general fund supported, the General Unit has only 9 general fund supported attorneys, including one Chief Deputy, plus clerical staff dedicated primarily to providing legal services to the Board of Supervisors, County Administrative Office, and the county departments and other governmental entities that do not reimburse the office for legal services rendered.



BUDGET HISTORY

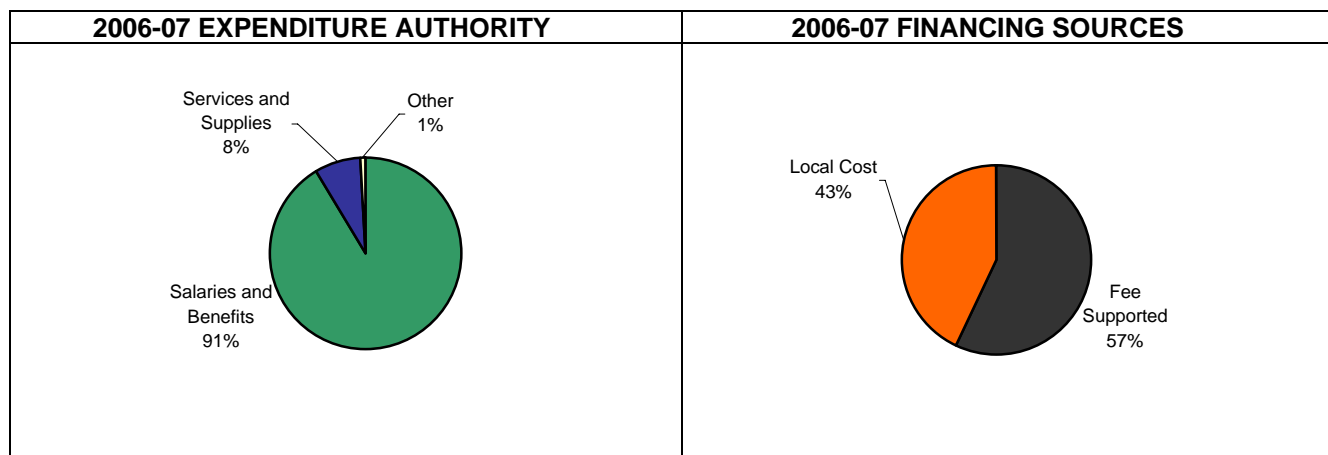


PERFORMANCE HISTORY

	Actual 2002-03	Actual 2003-04	Actual 2004-05	Modified 2005-06 Budget	2005-06 Estimate
Appropriation	6,453,046	7,042,372	8,118,509	9,539,331	9,329,106
Departmental Revenue	4,250,966	4,097,031	4,911,521	5,348,111	5,141,580
Local Cost	2,202,080	2,945,341	3,206,988	4,191,220	4,187,526
Budgeted Staffing				67.0	

When reviewing the budget history you will find a large change in actuals for prior years compared to 2005-06; the significant change is due to budget reductions in 2002-03 due to the countywide spend down plan. The increases in appropriation over the past three fiscal years reflect cost of living increases, salary adjustments and inflation of operating expenses. Revenue continues to increase to effectively cover actual cost of services rendered.

ANALYSIS OF PROPOSED BUDGET



GROUP: Administrative/Executive
DEPARTMENT: County Counsel
FUND: General

BUDGET UNIT: AAA CCL
FUNCTION: General
ACTIVITY: Counsel

	2002-03 Actual	2003-04 Actual	2004-05 Actual	2005-06 Current Modified Budget	2005-06 Final Budget	2006-07 Proposed Budget	Change From 2005-06 Final Budget
<u>Appropriation</u>							
Salaries and Benefits	6,382,395	6,998,072	7,281,609	8,801,511	8,086,511	8,909,975	823,464
Services and Supplies	737,184	658,902	765,122	551,939	551,939	644,497	92,558
Central Computer	65,269	44,901	59,254	65,750	65,750	90,952	25,202
Transfers	-	-	-	80,131	80,131	90,070	9,939
Contingencies	-	-	-	40,000	40,000	-	(40,000)
Total Exp Authority	7,184,848	7,701,875	8,105,985	9,539,331	8,824,331	9,735,494	911,163
Reimbursements	(729,858)	(671,812)	-	-	-	-	-
Total Appropriation	6,454,990	7,030,063	8,105,985	9,539,331	8,824,331	9,735,494	911,163
Operating Transfers Out	(1,944)	12,309	12,524	-	-	-	-
Total Requirements	6,453,046	7,042,372	8,118,509	9,539,331	8,824,331	9,735,494	911,163
<u>Departmental Revenue</u>							
State, Fed or Gov't Aid	(145)	-	-	-	-	-	-
Current Services	4,251,111	4,097,031	4,910,634	5,348,111	5,348,111	5,533,194	185,083
Other Revenue	-	-	887	-	-	-	-
Total Revenue	4,250,966	4,097,031	4,911,521	5,348,111	5,348,111	5,533,194	185,083
Local Cost	2,202,080	2,945,341	3,206,988	4,191,220	3,476,220	4,202,300	726,080
Budgeted Staffing				67.0	66.7	66.6	(0.1)

In 2006-07, County Counsel will incur increased costs to maintain current services, such as negotiated labor agreements and retirement, but will experience decreased costs in worker's compensation. This budget unit also will incur increased costs in central computer, operating services, and supplies. These costs are reflected in the Change From 2005-06 Final Budget column, along with changes related to department recommendations.

Additionally, County Counsel has increased salaries and benefits as a result of the addition of 1.0 attorney position; this position is 100% fee supported and results in no additional general fund financing. This position will be supporting several of our billable clients such as Consortium-IV, Children and Families Commission, Redevelopment Agency and Solid Waste. However, budgeted staffing reflects an overall net decrease of 0.1 due to the reduction in hours equivalent to 1.1 budgeted staffing for the extra-help Attorney positions. The revenue increase is due to additional revenue to be earned for a new attorney hired in 2005-06.



PERFORMANCE MEASURES		
Description of Performance Measure	Estimated 2005-06	Proposed 2006-07
Percentage of contracts that are reviewed and revised within two-weeks of receipt		85%
Percentage of clients who ranked satisfactory or above on advice they received by attorneys which was clear, relevant and timely.		85%
Percentage of cases being litigated that resulted in resolution in favor of the County or within liability targets.		85%

POLICY ITEM REQUESTS						
Rank	Brief Description of Policy Item	Budgeted Staffing	Appropriation	Departmental Revenue	Local Cost	Proposed 2006-07 Performance Measurement
1.	General Unit Attorney Increase staffing by adding a general unit advisory/transactional attorney. Currently the Board's, CAO's and other general fund clients' legal needs often require general unit attorney staff to re-prioritize projects which, even now, can result in delayed responses to important but less than critical issues. An additional general unit attorney is vital to maintaining timely responses and preventing delays in handling the current and increasing legal needs of the Board, CAO and other general fund clients. On-going Additional Funding Requested: \$185,800 increase in salaries and benefits.	1.0	185,800	-	185,800	
	<i>Proposed Performance Measure: To increase general funded Attorney service hours</i>					50%
2.	Computer Server Hardware Upgrade computer systems hardware/platform software: County Counsel has been maintaining its current equipment/platform, but the current platform will not be able to be maintained/supported after December 2006. County Counsel is working with ISD to move forward to a more efficient Microsoft supported system. The upgrade will include "backbone" items such as a switch, router, and cabling/fiber; upgraded servers for speed, efficiency and additional storage. This upgrade includes multimedia interfaces in two conference rooms used by many departments in the building. One-time Additional Funding Requested: \$200,000 increase in equipment.	-	200,000	-	200,000	
	<i>Proposed Performance Measure: Upgrade computer systems hardware/platform software</i>					100%
Total		<u>1.0</u>	<u>385,800</u>	<u>-</u>	<u>385,800</u>	



FEE REQUEST SUMMARY				
Brief Description of Fee Request	Budgeted Staffing	Appropriation	Departmental Revenue	Local Cost
Attorney Fee	-	480,000	480,000	-
The Attorney Fee increase is due to MOU and retirement increases. This fee increase puts the attorney fee in alignment with COWCAP and will recover the increased costs of the attorneys. Without this fee request, 3.25 full time equivalent general fund attorney positions will have to be vacated in order to balance to the current 2006-07 general fund financing. Increase fee from \$125 to \$135.				
Paralegal Fee	-	38,750	38,750	-
The Paralegal fee increase is due to salaries and benefit adjustments. This fee increase puts the paralegal fee in alignment with COWCAP and will recover the costs of the paralegal. Increase fee from \$65 to \$75.				
Total	-	518,750	518,750	-





2006-07 REVISED/NEW FEE REQUESTS
PROGRAM SUMMARY

GROUP NAME: Administrative/Executive
DEPARTMENT NAME: County Counsel
FUND NAME : General
BUDGET UNIT: AAA CCL
PROGRAM: Litigation

PROGRAM APPROPRIATION AS CURRENTLY BUDGETED	
Budgeted Appropriation	\$ 9,735,494

PROGRAM FUNDING SOURCES AS CURRENTLY BUDGETED	
Current Fee Revenue for listed fees	3,062,500
Fee Revenue for fees not listed	2,470,694
Non Fee Revenue	-
Local Cost	4,202,300
Budgeted Sources	\$ 9,735,494

PROGRAM APPROPRIATION IF FEE REVISIONS ARE ACCEPTED	
Revised Appropriation	\$ 10,254,244

PROGRAM FUNDING SOURCES IF FEE REVISIONS ARE ACCEPTED	
Fee Revenue for listed fees	3,581,250
Fee Revenue for fees not listed	2,470,694
Non Fee Revenue	-
Local Cost	4,202,300
Revised Sources	\$ 10,254,244

DIFFERENCES
(See Following Page
for Details)

\$ 518,750
518,750
-
-
-
\$ 518,750

SUMMARY OF JUSTIFICATION FOR FEE REQUEST(S)	
Change in Employee Related Costs	518,750
Inflationary Costs	
Other	
Total	\$ 518,750

Summary of Justification for Fee Request(s) and the Budgetary Impact to Program if Fee(s) are approved:
County Counsel's fee increases are due to salary and benefit adjustments. The fee increases will allow recovery of all of the costs of attorney and paralegal services. Without the fee increases, a reduction of 3.25 full time equivalent general fund attorney positions will have to be vacated in order to balance to the departments 2006-07 general fund financing. Revisions to existing fees to adjust for actual cost increases include attorney fee from \$125/hr to \$135/hr and paralegal fee from \$65/hr to \$75/hr.



**2006-07 REVISED/NEW FEE REQUESTS
FEE SUMMARY**

GROUP NAME: Administrative/Executive
DEPARTMENT NAME: County Counsel
FUND NAME : General
PROGRAM: Litigation

CURRENT FEE ORDINANCE/ CODE SECTION	FEE TITLE/ DESCRIPTION	CURRENT FEE	CURRENT UNITS IN BUDGET	CURRENT FEE REVENUE	PROPOSED FEE	PROPOSED UNITS	PROPOSED/ NEW FEE REVENUE	CHANGE IN FEE	CHANGE IN UNITS	CHANGE IN REVENUE	INCREASE IN APPROP	JUSTIFICATION FOR REQUEST INCLUDE BUDGETARY IMPACT IF FEE IS APPROVED
16.028 A (a)	Attorney Fee	\$ 125.00	22,485	\$ 2,810,625	\$ 135.00	24,375	\$ 3,290,625	\$ 10.00	1,890	\$ 480,000	\$ 480,000	Current rate will not fully recover attorney MOU and retirement costs. Without this fee request 3.25 full time equivalent general fund attorney positions will have to be vacated in order to balance to the 2006-07 general fund financing.
16.028 A (b)	Paralegal Fee	\$ 65.00	3,875	\$ 251,875	\$ 75.00	3,875	\$ 290,625	\$ 10.00	-	\$ 38,750	\$ 38,750	Current rate will not fully recover paralegal costs.